

POWERS, KIRN & ASSOCIATES, LLC
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Attorney for Movant/ 16-0215

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:		
Bobbi J Maffeo		Bankruptcy No. 15-70724-JAD
Cynthia L Maffeo, fka Cynthia L Kirby		Chapter 13
	Debtors	
WELLS FARGO BANK, N.A.	Movant	Related To Doc. Nos. 84, 65
	v.	
Bobbi J Maffeo		
Cynthia L Maffeo, fka Cynthia L Kirby		
Ronda J. Winnecour, Esquire	Respondents	

**CONSENT ORDER IN SETTLEMENT OF
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

WHEREAS, the parties hereto, and their respective counsel, have agreed as to the disposition of the Motion for Relief from the Automatic Stay filed by Jill Manuel-Coughlin, Esquire on behalf of secured creditor, WELLS FARGO BANK, N.A. ("Movant").

NOW, THEREFORE, intending to be legally bound, the parties hereto, herewith stipulate as follows:

1. The Automatic Stay as provided by Section 362 of the Bankruptcy Code shall remain in full force and effect conditioned upon the terms and conditions set forth herein.
2. This Consent Order pertains to the property located at 769 Railroad Street, Windber, PA 15963, mortgage account ending with 5932.
3. Upon approval by the United States Bankruptcy Court of the within Consent Order, Debtors and Movant, agree to the following:
 - (a) Parties acknowledge that the current regular monthly post-petition payment is **\$1,342.38** per month.
 - (b) Parties acknowledge that the following amounts are currently due post-petition:

Post-Petition Monthly Payments due since filing: 11/1/2015 – 6/1/2016 @ \$1,328.29 7/1/2016 – 12/1/2016 @ \$1,343.10 1/1/2017 @ \$1,360.78 2/1/2017 – 11/1/2017 @ \$1,342.38	\$33,469.50
Less Trustee Disbursements Made as of 11/10/2017	(\$30,523.39)
Total Post-Petition Arrearage: <small>*Information stated above is for informational purposes only. Arrears breakdown below.</small>	\$2,946.11*

- (c) Debtors are currently post-petition due for the June 2017 through November 2017 monthly payments at \$1,342.38 per month, with \$88.32 in Debtor Suspense. As of 11/10/2017, there is a pending Disbursement from the Chapter 13 Trustee dated 10/25/2017 in the amount of \$5,001.45. Once received and applied, the remaining post-petition arrearage will be **\$2,946.11**.

- (d) Commencing with the 12/1/2017 payment the Debtors shall resume and shall continue to make all regular monthly post-petition payments to the Chapter 13 Trustee when they are due in accordance with the terms of the confirmed plan.
- (e) On or before 11/30/2017, Debtors file an Amended Chapter 13 Plan and/or make other arrangements to address the arrearage in Plan Payment to the Chapter 13 Trustee in the amount of **\$5,237.22** (as evidenced by the Trustee Ledger as of 11/10/2017). Upon the arrearage in plan payments being cured, the Chapter 13 Trustee shall resume disbursements to Movant which will be applied to the post-petition arrears as shown in paragraph 3 (b) above.
- (f) All post-petition payments from the Chapter 13 Trustee to Movant shall be sent to Wells Fargo Bank N.A. Attention: Bankruptcy Payment Processing/MAC #X2302-04C, One Home Campus, Des Moines, IA 50328.
- (g) The provisions of the Consent Order do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this Consent Order, including fees and costs, due under the terms of the contract and applicable law.
- (h) The Debtors shall timely tender all payments and comply with all conditions in accordance with this Consent Order. If such payments or conditions are not timely made, or if the case should convert to a Chapter 7 Bankruptcy, Movant may provide the Debtors and their counsel with fifteen (15) days written notice of default. If the default is not cured within the fifteen (15) day period, Movant may certify the default to this Court and an Order shall be entered granting Movant relief from the automatic stay without further notice and hearing and waiving FED. R. Bankr. P. 3002.1 and waiving Rule 4001 (a)(3) so that the Relief Order is immediately effective and enforceable.
- (i) The parties agree that a facsimile may be submitted to the Court as if it were an original.

STIPULATED AND AGREED TO BY:

/s/ Kenneth P. Seitz, Esquire

Kenneth P. Seitz, Esquire
Attorney for Debtors
Date:

/s/ Jill Manuel-Coughlin, Esquire

Jill Manuel-Coughlin, Esquire
Attorney for Movant
Date:

/s/ Jana Pail, Esquire, for

Ronda J. Winnecour, Esquire
Trustee
Date:

On this 16th day of November, 2017, approved by the Court.

FILED
11/16/17 11:14 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA


mas
Jeffery A. Deller
Chief United States Bankruptcy Judge

Certificate of Notice Page 3 of 3
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Bobbi J Maffeo
 Cynthia L Maffeo
 Debtors

Case No. 15-70724-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: culy
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Nov 16, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 18, 2017.

db/jdb +Bobbi J Maffeo, Cynthia L Maffeo, 769 Railroad Street, Windber, PA 15963-1813

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 18, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 16, 2017 at the address(es) listed below:

Andrew R. Thalman on behalf of Creditor WESBANCO BANK, INC andrewthalman@pgka.com
 Brett A. Solomon on behalf of Creditor Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. bsolomon@tuckerlaw.com, agilbert@tuckerlaw.com/cabbott@tuckerlaw.com/dparanay@tuckerlaw.com
 Harry B. Reese on behalf of Creditor WELLS FARGO BANK, N.A. harry.reese@pkallc.com, chris.amann@pkallc.com/nick.bracey@pkallc.com;samantha.gonzalez@pkallc.com;jill@pkallc.com
 James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmllawgroup.com
 Jill Manuel-Coughlin on behalf of Creditor WELLS FARGO BANK, N.A. jill@pkallc.com, chris.amann@pkallc.com/nick.bracey@pkallc.com;samantha.gonzalez@pkallc.com;harry.reese@pkallc.com
 Kenneth P. Seitz on behalf of Debtor Bobbi J Maffeo thedebterasers@aol.com
 Kenneth P. Seitz on behalf of Joint Debtor Cynthia L Maffeo thedebterasers@aol.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmece@chapter13trusteeewdpa.com

TOTAL: 9